

July 5, 2001

Mr. James Connelly, Chairman
Department of Telecommunications and Energy
One South Station, 2nd Floor
Boston, Massachusetts 02110

Re: Follow-up comments to the Massachusetts Department of Telecommunications & Energy Order Opening Investigation Into Competitive Market Initiatives, D.T.E. 01-54.

Dear Chairman Connelly:

American PowerNet appreciates the DTE's quick and decisive response to the energy cost issues facing Massachusetts customers this summer. As a company licensed as a Massachusetts supplier, yet providing a service distinctly different from a supplier, we appreciate the DTE's recognition of our valuable niche in the market place.

American PowerNet would like to suggest however, that there are several areas where we believe "Buyer's Agents" were inadvertently placed at a disadvantage to other market participants, i.e. suppliers:

Under Section III, INITIATIVE TO BE IMPLEMENTED IMMEDIATELY BY DISTRIBUTION COMPANIES, in order to qualify for inclusion on a distribution company's "Active Competitive Suppliers' list, a supplier must:

- 1) be licensed by the Department
- 2) have completed electronic data transfer testing with the distribution company, and
- 3) have executed an agreement stating that it is willing and able to serve customers at the present time.

While American PowerNet meets items 1 and 3, there is currently no need for American PowerNet as a broker/buyer's agent to complete EDI testing. However, as an active participant, we believe we should be included on the "Active Competitive Supplier's List" for Commercial & Industrial customers, possibly as a sub-set defining us as a "Buyer's Agent". Without this inclusion, it can be reasonably inferred by potential customers that we are *inactive* and actually be counterproductive to the DTE's objectives.

In addition, under Section V, "The third issue involves providing distribution companies with the authority to obtain customer authorization to switch default service customers to competitive suppliers." American PowerNet believes this needs to be handled by an individual third party otherwise it puts the distribution company in a very subjective position when evaluating offers and terms and conditions of competing suppliers thus exposing the distribution company to charges of favoritism.

American PowerNet very much appreciates the opportunity to present our input to the Massachusetts DTE and we appreciate the DTE's receptiveness to our view of the market.

Sincerely,

R. Scott Helm
President